

AMENDED IN ASSEMBLY JUNE 2, 1997
AMENDED IN ASSEMBLY MARCH 31, 1997

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

ASSEMBLY BILL

No. 847

**Introduced by Assembly Member Wayne
(Coauthor: Assembly Member Machado)**

February 27, 1997

An act to add Article 10.1 (commencing with Section 25211) to Chapter 6.5 of Division 20 of the Health and Safety Code, and to amend ~~Section Sections~~ 42167 and 42175 of the Public Resources Code, relating to hazardous materials.

LEGISLATIVE COUNSEL'S DIGEST

AB 847, as amended, Wayne. ~~Hazardous materials and waste:~~ *Discarded major appliances: materials requiring special handling: hazardous waste.*

(1) ~~Existing~~ *Under existing law, the California Integrated Waste Management Act of 1989, administered by the California Integrated Waste Management Board, materials that require special handling, as defined, are required to be removed from major appliances, as defined, and from vehicles in which they are contained prior to crushing for transport or transferring to a baler or shredder for recycling.*

Existing law prohibits the management of ~~hazardous materials and hazardous waste, except as provided in the hazardous waste control laws and the regulations adopted~~

~~pursuant to those laws in accordance with hazardous waste laws. A violation of the hazardous waste control laws is a crime.~~

~~This bill would prohibit, as part of the hazardous waste control laws, any person from crushing, for purposes of transportation or transfer to a baler or shredder for recycling, any major appliance, as defined, until all hazardous materials and hazardous wastes have been removed from the appliance~~
revise the definition of materials that require special handling, and provide that any person who removes from a major appliance any material that requires special handling that is a hazardous waste is a hazardous waste generator. The bill would require such a person to comply with the provisions regulating hazardous waste generators and require those materials to be managed in accordance with the hazardous waste control laws, thereby imposing a state-mandated local program by creating a new crime. The

~~The bill would require all hazardous materials and hazardous wastes removed from major appliances to be managed in compliance with the hazardous waste control laws and~~ would require the Department of Toxic Substances Control, or the local health officer or public officer authorized to enforce the hazardous waste control laws, *including when applicable, a certified unified program agency, to take all necessary actions incorporate the regulation of materials that require special handling that are hazardous wastes into existing inspection and enforcement activities to ensure compliance with the bill's requirements, thereby imposing a state-mandated local program by imposing new duties upon local agencies.*

The bill would require the department to transmit a copy of the Appliance Recycling Guide, published by the board, and any other materials determined by the department to be necessary to ensure compliance with the bill, to specified persons and agencies.

The bill would make related legislative findings and declarations and prescribe related matters.

~~(2) Existing law, the California Integrated Waste Management Act of 1989, prohibits a solid waste facility from accepting any major appliance for disposal, as specified. The act requires the removal of materials requiring special~~

~~handling from major appliances prior to crushing for transport or transfer to a baler or shredder for recycling.~~

~~This bill would reference the provisions discussed in (1), above, in those provisions of the act requiring the removal from major appliances of materials that require special handling.~~

~~(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for specified reasons.~~

~~Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.~~

The people of the State of California do enact as follows:

1 ~~SECTION 1. Article 10.1 (commencing with Section~~

2 ~~SECTION 1. The Legislature hereby finds and~~
3 ~~declares all of the following:~~

4 ~~(a) Discarded major appliances are solid waste~~
5 ~~managed pursuant to the California Integrated Waste~~
6 ~~Management Act (Division 30 (commencing with~~
7 ~~Section 40000) of the Public Resources Code), including~~
8 ~~the provisions of that act governing metallic discards~~
9 ~~(Chapter 3.5 (commencing with Section 42160) of Part 3~~
10 ~~of Division 30 of the Public Resources Code). However,~~
11 ~~those major appliances may contain hazardous materials~~
12 ~~that become hazardous waste when released or removed~~
13 ~~from the appliance in the discard process.~~

14 ~~(b) To avoid hazardous waste contamination of soil~~
15 ~~and groundwater and contamination of reusable~~
16 ~~materials derived from metal scrapyards and shredders,~~
17 ~~and to avoid the illegal disposal of any hazardous waste~~
18 ~~released or removed from a major appliance, it is in the~~
19 ~~interests of the state to ensure that those materials are~~
20 ~~removed from major appliances before they are crushed~~
21 ~~for transport or transferred to a shredder or baler for~~
22 ~~recycling and are managed in compliance with Chapter~~

1 6.5 (commencing with Section 25100) of Division 20 of the
2 Health and Safety Code.

3 (c) Any materials that require special handling are
4 required to be removed from major appliances as
5 specified in Section 42175 of the Public Resources Code.

6 SEC. 2. Article 10.1 (commencing with Section
7 25211) is added to Chapter 6.5 of Division 20 of the Health
8 and Safety Code, to read:

9

10 *Article 10.1. Management of Hazardous Wastes*
11 *Removed From Discarded Appliances*
12

13 25211. For purposes of this article, the following terms
14 have the following meaning:

15 (a) "Major appliance" has the same meaning as
16 defined in Section 42166 of the Public Resources Code.

17 (b) "Materials that require special handling" has the
18 same meaning as defined in Section 42167 of the Public
19 Resources Code.

20 25212. (a) Any person who, pursuant to Section
21 42175 of the Public Resources Code, removes from a
22 major appliance any material that requires special
23 handling, that is a hazardous waste under this chapter, is
24 a hazardous waste generator and shall comply with all
25 provisions of this chapter applicable to generators of
26 hazardous waste.

27 (b) All materials that require special handling that
28 have been removed from a major appliance pursuant to
29 Section 42175 of the Public Resources Code, and that are
30 hazardous wastes, shall be managed in accordance with
31 this chapter.

32 (c) (1) The department or a local health officer or
33 other public officer authorized pursuant to Article 8
34 (commencing with Section 25180), including, when
35 applicable, a certified unified program agency (CUPA)
36 or a unified program agency within the jurisdiction of a
37 CUPA, shall incorporate the regulation of materials that
38 require special handling that, when removed from major
39 appliances, are hazardous wastes into the existing



1 inspection and enforcement activities of the department
2 or the local health officer or other public officer.

3 (2) The department, local health officers, or other
4 public officers shall coordinate their activities as needed
5 to identify and regulate materials that require special
6 handling that, when removed from major appliances, are
7 hazardous wastes that are transported from one
8 jurisdiction to another.

9 25213. (a) To implement subdivision (c) of Section
10 25212, the department shall, based on reasonably
11 available information, develop a statewide list of
12 appliance recyclers, used appliance dealers, solid waste
13 facilities, metal scrapyards, and others who may remove,
14 or do business with those who remove, from major
15 appliances, materials that require special handling. The
16 department shall notify persons on the list of the
17 requirements of this chapter and the steps that will be
18 required to be taken to comply with this chapter.

19 (b) The department shall transmit a copy of the
20 Appliance Recycling Guide, published by the California
21 Integrated Waste Management Board, and any other
22 materials determined to be necessary by the department
23 to ensure compliance with this chapter, to the following
24 persons and agencies:

25 (1) Persons who apply for a generator identification
26 number indicating that they are involved with any
27 activities regulated pursuant to this article.

28 (2) The local officers and agencies authorized to
29 enforce this chapter pursuant to subdivision (a) of
30 Section 25180.

31 (c) The department shall transmit the generator
32 identification number of any person identified pursuant
33 to paragraph (1) of subdivision (b) and the statewide list
34 developed pursuant to subdivision (a) to the appropriate
35 local officers and agencies authorized to enforce this
36 chapter pursuant to subdivision (a) of Section 25180.

37 25214. The department shall make information
38 available upon request regarding the implementation of
39 this article, including, but not limited to, the list of persons
40 notified pursuant to subdivision (a) of Section 25213, the

1 list of persons identified pursuant to paragraph (1) of
2 subdivision (b) of Section 25213, information on
3 inspection and enforcement, and other information
4 pertaining to the record of compliance with this article,
5 subject to the California Public Records Act (Chapter 3.5
6 (commencing with Section 6250) of Division 7 of Title 1
7 of the Government Code).

8 SEC. 3. Section 42167 of the Public Resources Code is
9 amended to read:

10 42167. "Materials ~~which~~ that require special
11 handling" means ~~sodium~~ all of the following:

12 (a) Sodium azide canisters in unspent air bags ~~which~~
13 that are determined to be hazardous by federal and state
14 law or regulation, ~~encapsulated~~.

15 (b) Encapsulated polychlorinated biphenyls (PCBs)
16 in major appliances, ~~and chlorofluorocarbons~~.

17 (c) Chlorofluorocarbons (CFCs) injected in
18 air-conditioning/refrigeration units ~~or any other~~
19 ~~hazardous waste or hazardous material regulated by the~~
20 ~~Department of Toxic Substances Control~~.

21 (d) Used oil, as defined in subparagraph (A) of
22 paragraph (1) of subdivision (a) of Section 25250.1 of the
23 Health and Safety Code, in major appliances. Materials
24 described in subparagraph (B) of paragraph (1) of
25 subdivision (a) of Section 25250.1 of the Health and Safety
26 Code are not excluded from the definition of used oil for
27 the purposes of this section.

28 (e) Mercury found in switches and temperature
29 control devices in major appliances.

30 SEC. 4. Section 42175 of the Public Resources Code is
31 amended to read:

32 42175. ~~On or after January 1, 1994, materials which~~
33 Materials that require special handling shall be removed
34 from major appliances and vehicles in which they are
35 contained prior to crushing for transport or transferring
36 to a baler or shredder for recycling.

37 ~~25211) is added to Chapter 6.5 of Division 20 of the Health~~
38 ~~and Safety Code, to read:~~

39

~~Article 10.1. Hazardous Wastes in Appliances~~

~~25211. For purposes of this article, “major appliance” means any domestic or commercial device, including, but not limited to, a washing machine, clothes dryer, hot water heater, dehumidifier, conventional oven, microwave oven, stove, refrigerator, freezer, air conditioner, trash compactor, or residential furnace.~~

~~25211.1. (a) No person shall crush for purposes of transportation or transfer to a baler or shredder, for recycling, any major appliance until all hazardous materials and hazardous wastes have been removed from the appliance.~~

~~(b) All hazardous materials and hazardous wastes that have been removed from a major appliance pursuant to subdivision (a) shall be stored, handled, processed, transported, and disposed of in compliance with this chapter.~~

~~(c) The department or any local health officer or other public officer authorized pursuant to Article 8 (commencing with Section 25180) shall take all necessary actions, including, but not limited to, inspections and authorized enforcement actions, to ensure compliance with this article.~~

~~SEC. 2. Section 42175 of the Public Resources Code is amended to read:~~

~~42175. Materials that require special handling shall be removed from major appliances in accordance with Article 10.1 (commencing with Section 25211) of Chapter 6.5 of Division 20 of the Health and Safety Code and from vehicles in which they are contained prior to crushing for transport or transfer to a baler or shredder for recycling.~~

~~SEC. 3.—~~

~~SEC. 5. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the~~

1 Government Code, or changes the definition of a crime
2 within the meaning of Section 6 of Article XIII B of the
3 California Constitution or because a local agency or
4 school district has the authority to levy service charges,
5 fees, or assessments sufficient to pay for the program or
6 level of service mandated by this act, within the meaning
7 of Section 17556 of the Government Code.

8 Notwithstanding Section 17580 of the Government
9 Code, unless otherwise specified, the provisions of this act
10 shall become operative on the same date that the act
11 takes effect pursuant to the California Constitution.

